

# Exhibit 62

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CIVIL ACTION NO. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR  
ADMISSIONS, INC.,

Plaintiffs,

vs.

UNIVERSITY OF NORTH  
CAROLINA, et al.,

Defendants.

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AMENDED DEPOSITION  
OF  
DR. TAFFYE BENSON CLAYTON

THIS DEPOSITION CONTAINS HIGHLY CONFIDENTIAL AND  
PROPRIETARY INFORMATION AND IS SUBJECT TO A PROTECTIVE  
ORDER RESTRICTING PUBLIC DISCLOSURE OF ITS CONTENTS

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TAKEN AT THE OFFICES OF:  
UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL  
222 East Cameron Avenue  
110 Bynum Hall  
Chapel Hill, NC 27514

05-24-17  
8:55 A.M.

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1 populations are typically those with -- typically,  
2 include Latino, Native and African American  
3 students. And that's a distinct one --  
4 distinction that's often made in the research.

5 Q. Okay. And -- all right. So is the  
6 difference then that Asian American students might  
7 be considered underrepresented populations but not  
8 underrepresented minority populations?

9 A. In some instances.

10 Q. Okay. Are there other differences  
11 between the two terms?

12 A. I would say possibly, but I think more  
13 commonly underrepresented populations is, you  
14 know, the numbers that are less than -- or the  
15 populations that are less than the majority  
16 population and underrepresented minority are the  
17 three ---

18 Q. Okay.

19 A. --- (inaudible).

20 Q. What is critical mass?

21 A. A very amorphous statement. That --  
22 that really is the point at which individuals who  
23 are a part of any underrepresented population  
24 begin to -- to feel like an individual.

25 Q. And what do you mean by begin to feel

1           A.    I think it has something to do with  
2 engagement.

3           Q.    Okay. By engagement, do you mean  
4 engagement with other people on campus?

5           A.    I think a component of it is engagement  
6 with other people on campus.

7           Q.    Okay. People from other populations?

8           A.    Yes.

9           Q.    Okay. So is it sort of a -- let me ask.  
10 Is an element of it, then, cross-racial or cross-  
11 ethnic engagement?

12          A.    An element of it could be cross any  
13 myriad of differences.

14          Q.    So cross-political, cross-religious,  
15 cross -- any of the other individual ways that  
16 people define themselves.

17          A.    Correct.

18          Q.    Okay. Does it also then relate to an  
19 individual's willingness to speak out on campus?

20          A.    I don't know that I would necessarily  
21 relate to it in that way. I -- I really hadn't  
22 thought about it in that way.

23          Q.    Okay. Let me ask this. How does DMA --  
24 or I should say for when you were there, how did  
25 DMA determine whether there was a critical mass of

1 any particular underrepresented population on  
2 campus, be it religious, ethnic or anything else?

3 A. We didn't.

4 Q. Okay. Did the University?

5 A. Not as I'm aware. I mean again, the  
6 process was annualized reporting, looking at the  
7 data year to year.

8 Q. Okay. So ---

9 A. And looking at the feedback we got with  
10 respect to the climate as well.

11 Q. What kind of data might you get from  
12 year to year from the individual units?

13 A. You may get data talking about there had  
14 been an increase in, let's say, inter-group  
15 dialogue within a particular college. That people  
16 came together to talk about various issues around  
17 diversity and that actual occurrence made people  
18 feel that there was a more engaging climate.

19 Q. This is a little bit what we talked  
20 about before inter-group engagement.

21 A. Right.

22 Q. Okay. And just to clarify, this could  
23 be across racial-ethnic lines or political or  
24 religious or gender identity or any other kind  
25 of ---

1           A.    When you think about the point at which  
2   a -- a person who's a member of a group feels like  
3   an individual, it is linked to what their  
4   perceptions are about their own agency in any  
5   context.

6           Q.    What do you mean by agency?

7           A.    Their sense of being an individual.

8           Q.    As opposed to part of whatever the  
9   population ---

10          A.    A group.

11          Q.    --- group is?   Okay.

12                In terms of this goal, "Achieving  
13   critical masses of underrepresented populations  
14   necessary to ensure the educational benefits of  
15   diversity," is the University -- I should say,  
16   does the University try to achieve critical mass  
17   for all kinds of different populations, not only  
18   ethnic/racial but religious, geographic, etcetera?

19          A.    Because critical mass is amorphous, you  
20   know, there -- there is really not a way to make  
21   the determination.   The question of whether or not  
22   the University makes continuous efforts to ensure  
23   that there -- there -- that we have a diverse  
24   community and that -- that, you know, diversity is  
25   leveraged and that we are learning from the

1 diversity that exists is really the effort.

2 Q. And the -- this is the effort that you  
3 mentioned that's through interactions within a  
4 unit on campus or campus wide, correct?

5 A. Sure.

6 Q. And through outreach, as you said  
7 before, correct?

8 A. Well, I think outreach is certainly the  
9 component that DMA particularly has been most  
10 involved in, but individual units as well make  
11 efforts to connect.

12 Q. To connect with different types of  
13 groups ---

14 A. Different types of ---

15 Q. --- within the unit.

16 A. --- groups, different types of  
17 communities, different parts of the state. The  
18 gamut.

19 Q. Okay. And as the head of DMA, what did  
20 you feel was the most useful data or evidence in  
21 evaluating critical mass?

22 A. You know, I don't know that I considered  
23 myself ever evaluating critical mass.

24 Q. Okay.

25 A. What I espoused was that we're on a